

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11 CV 113**

HEATHER GOLDING HILL,

Plaintiff

v

**WELLS FARGO AND COMPANY, as
successor to WACHOVIA CORPORATION
and WACHOVIA MORTGAGE
COMPANY, and LIBERTY LIFE
ASSURANCE COMPANY OF BOSTON,
as administrator of the Wachovia
Corporation Long Term Disability Plan, and
THE WACHOVIA CORPORATION LONG
TERM DISABILITY PLAN,**

Defendants

ORDER

THIS MATTER is before the court upon a review of the file in this matter. In the scheduling order (#7) that was filed in this matter on July 15, 2011, the court ordered that plaintiff brief the issue of why plaintiff is of the opinion that she is entitled to a jury trial in this matter and such brief was to be filed by August 1, 2011. Plaintiff did not file a brief as directed by the court which indicates to the court that plaintiff and her counsel are no longer contending that plaintiff is entitled to a jury trial.

ORDER

IT IS, THEREFORE, ORDERED that the trial in this matter shall be before the court and without a jury.

Signed: December 6, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

